न्यायालयीन प्रकरणांत संबंधीत सरकारी
वकीलांना विहित मुदतीत सूचना देऊन
प्रकरणांचा पाठपुरावा करण्याबाबत..........

महाराष्ट्र शासन

विधी व न्याय विभाग

शासन परिपत्रक क्रमांकः १७४५(अ)-२०१४/संकीर्ण/ई-शाखा

मंत्रालय, मुंबई ४०० ०३२.

तारीखः 28th नोव्हेंबर, २०१४

संदर्भ :

१) शासन परिपत्रक क्र.१२७७/ई शाखा दि.२६.११.२००७.

२) मा. उच्च न्यायालय, खंडपीठ औरंगाबाद यांचे जनहित याचिका क्र. १८/२०१२ आणि इतर याचिकेमधील दि.१७ नोव्हेंबर, २०१४ चे आदेश.

मा. उच्च न्यायालय, खंडपीठ औरंगाबाद, यांनी जनहित याचिका क्र. १८/२०१२ आणि इतर याचिकांमध्ये दि.१७ नोव्हेंबर, २०१४, च्या आदेशातील परिच्छेद क्र.२ व ९ मध्ये निरिक्षणे नोंदवून सदर आदेशाच्या परिच्छेद क्र.८ व १० मध्ये शासनास निर्देश दिले आहेत. मा.उच्च न्यायालयाने नोंदविलेली निरीक्षणे व निर्देश खालीलप्रमाणे आहेत:-

"2. However, we find, that in all public interest litigations, or in any Writ Petition, where such directions are issued, the office of Government Pleader is not getting feedback and, therefore, the concerned Assistant Government Pleader is not in a position to assist the Court, which on several occasions create embarrassing situation.

8. We, therefore, direct that in all such public interest litigations, where time bound directions are issued, the concerned Head of the Department shall nominate a responsible Class-II officer to maintain contact regularly with the office of Government Pleader and shall continue to write a letter every fortnight, pointing out the progress and developments. This will enable the learned Assistant Government Pleader to appraise this Court, of further progress, developments and assistance needed whenever matters are listed. This Court may, in case of dispute, also call upon the concerned to file affidavit in support of the communication sent to the office of Government Pleader.

9. Similar course could have been adopted even in the present matter. After 7th May 2014, office of Director could have instructed the local Deputy Director to keep in touch with the office of Government Pleader and give necessary details about progress every fortnight.

10. We, therefore, direct the State of Maharashtra, through its Chief Secretary, to circulate this order to all its Departments and also to responsible officers at District and Revision Division level. In all such matters, office of Government Pleader must, without fail, get the progress report fortnightly."

मा. उच्च न्यायालयाने दिलेल्या निर्देशांच्या अनुषंगाने मा. उच्च न्यायालयाच्या जनहित याचिका क्र. १८/२०१२ व इतर याचिकांमधील दि. १७ नोव्हेंबर, २०१४ च्या आदेशाची प्रत सोबत जोडली आहे. मा. उच्च न्यायालयाच्या निर्देशांची नोंद सर्व प्रशासकीय विभागांनी घ्यावी आणि मा. उच्च न्यायालयाच्या निर्देशांची काटेकोरपणे अंमलबजावणी होईल आणि त्यांची अवहेलना होणार नाही याची दक्षता घ्यावी व तशा सूचना प्रशासकीय विभागांनी सर्व संबंधित अधिका-यांना द्याव्यात.

सदर परिपत्रक व मा. उच्च न्यायालयाचे निर्देश प्रशासकीय विभागांनी त्यांच्या नियंत्रणाखालील विभागीय व जिल्हास्तरीय जबाबदार अधिकरी व कार्यालयांच्या निदर्शनास आणावे व त्यांच्याकडून मा. उच्च न्यायालयाने दिलेल्या निर्देशाचे पालन केले जाईल याचीही दक्षता घ्यावी.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेताक २०१४११२८११४००६७२१२ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(स्वा.शि. क्षत्रिय)
शासनाचे मुख्य सचिव

प्रत,

१) सर्व अपर मुख्य सचिव/प्रधान सचिव/सचिव
२) महाअधिवक्ता, महाराष्ट्र राज्य, मुंबई
३) सर्व मंत्रालयीन विभाग
४) सर्व विभागीय आयुक्त (महसूल)
५) सरकारी वकील, उच्च न्यायालय, मुंबई / नागपूर / औरंगाबाद

६) मुख्य सादरकर्ता अधिकारी, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई / नागपूर / औरंगाबाद
७) सर्व सरकारी वकील व सरकारी अभियोक्ता
८) अवर सचिव (विधि), विधि व न्याय विभाग, मंत्रालय, मुंबई
९) विधि व न्याय विभागाच्या अधिपत्याखालील सर्व कार्यालय प्रमुख
१०) निवड नस्ती

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, AURANGABAD BENCH, AT AURANGABAD.

Public Interest Litigation No. 18 of 2012
With

Brijmohan s/o. Dhirajprasad Mishra. .. Petitioner.

versus

The State of Maharashtra,
Through the Chief Secretary,
Mantralaya, Mumbai - 32,
& others. .. Respondents.

....

Mr. Sachin S. Deshmukh, Advocate, for the petitioner.

Mrs. A.V. Gondhalekar, Assistant Government Pleader, for respondent nos.1 to 3.

Mr. S.R. Choukidar, Advocate, for the respondents - Intervenors.

....

Contempt Petition No. 186 of 2014
(In Public Interest Litigation No. 18 of 2012)
With

Brijmohan s/o. Dhirajprasad Mishra. .. Petitioner.

versus

Mr. Mahaveer Damodhar Mane. .. Respondent.

....

Mr. Sachin S. Deshmukh, Advocate, for the petitioner.

....

Public Interest Litigation No. 31 of 2012

Jaikumar s/o. Mukundrao Jadhav. .. Petitioner.

versus

The State of Maharashtra,
Through its Chief Secretary,
School Education & Sports Department,
Mantralaya, Mumbai - 32,
& another .. Respondents.

....

Mr. S.B. Talekar, Advocate, for the petitioner.

Mrs. A.V. Gondhalekar, Assistant Government Pleader, for respondent nos.1 and 2.

....

CORAM : B.P. DHARMADHIKARI & A.M. BADAR, JJ.

DATE : 17TH NOVEMBER 2014

PER COURT :

1. Matters were heard in the morning and time was given to the learned Assistant Government Pleader to obtain instructions. Upon telephonic instructions, the learned Assistant Government Pleader has pointed out some developments.

2. However, we find, that in all public interest litigations, or in any Writ Petition, where such directions are issued, the office of Government Pleader is not getting feed back and, therefore, the concerned Assistant Government Pleader is not in a position to assist the court, which on several occasions create embarrassing situation.

3. Here, considering the nature of controversy, responsible officers of Government should have pointed out the measures to be adopted to avoid enrollment of bogus students, whether obtaining photographs or then, any other similar measure could have solved the issue, should have been explained by them. These officers who work in the field are aware of all malpractices and they can point out to Government, the requisite steps to curb it.

4. Here, after 7th May 2014, no further affidavit has come on record. In the affidavit filed on 7th May 2014, the Director has undertaken to complete the enquiries before next academic year. According to the petitioners, the words *'next academic year'* must be construed in the background of earlier order of this Court dated 14-2-2014. They, thus, submit that before commencement of academic year on 24th or 25th June 2014, the action should have been completed.

5. The learned Assistant Government Pleader submits, that looking to the facts disclosed in the affidavit, the next academic year referred to in it, definitely means the year commencing from 24th/25th June 2015.

6. We are, at this stage, not inclined to consider these arguments.

7. The petitioners have raised a serious issue. The orders passed by this Court show concern expressed by it. The Director was personally present when undertaking was recorded. However, after that trip to Aurangabad, the Director appears to have forgotten about the matter.

8. We, therefore, direct that in all such public interest litigations, where time bound directions are issued, the concerned Head of the Department shall nominate a responsible Class-II officer to maintain contact regularly with the office of Government Pleader and shall continue to write a letter every fortnight, pointing out the progress and developments. This will enable the learned Assistant Government Pleader to appraise this Court, of further progress, developments and assistance needed whenever matters are listed. This Court may, in case of dispute, also call upon the concerned to file affidavit in support of the communication sent to the office of Government Pleader.

9. Similar course could have been adopted even in the present matter. After 7th May 2014, office of Director could have instructed the local Deputy Director to keep in touch with the office of Government Pleader and give necessary details about progress every fortnight.

10. We, therefore, direct the State of Maharashtra, through its Chief Secretary, to circulate this order to all its Departments and also to responsible officers at District and Revision Division level. In all such matters, office of Government Pleader must, without fail, get the progress

report fortnightly.

11. in this matter, we grant respondent no.2, time of two weeks, to file affidavit in the light of observations made above, by way of last chance. If we find any lacuna or suppression or omission in the said affidavit, appropriate orders will be passed, taking into consideration the undertaking recorded by this Court on 14-2-2014.

12. Put up for further consideration on 2nd December 2014.

13. A steno-copy of this order be supplied to the learned Assistant Government Pleader.

(A.M. BADAR)
JUDGE

(B.P. DHARMADHIKARI)
JUDGE

....

puranik / PIL18.12etc